IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1977 OF 1998

Shri Dhirendra N. Sheth .. Petitioner

vs

Union of India & ors ... Respondents

Mr.Ashok Singh i/b Haresh Mehta & Co for Petitioner
Mr.A.H.Bhatija with Ms.S.V.Bharucha and Mr.A.S.Rao for Respondents

CORAM : Dr.S.Radhakrishnan and V.C.Daga, JJ

DATED : 27th June, 2007

P.C.

1. Heard learned counsel for the petitioner and respondents.

2. By this petition, the petitioner is challenging the order dated 29th December, 1997 to the extent that it sets aside earlier order dated 14th November, 1996 passed by the Special Director of Enforcement Directorate, Bombay dropping charges against the petitioner and remanding the matter for a fresh finding as regarding the petitioner without giving any notice of hearing whatsoever. We have perused the earlier order dated 14th December, 1997 wherein the petitioner has been totally absolved and the respondent-revenue did not challenge the said order at all. Under a purported suo moto appeal, the said order could not have been set

aside without even giving show cause notice to the petitioner.

3. Learned counsel for the respondents is unable to justify the action of the respondents. Under these circumstances, rule is made absolute in terms of prayer clause (a).

(V.C.Daga, J) (Dr.S.Radhakrishnan, J)